

UNITED STATES
PATENT AND TRADEMARK OFFICE



Patent Public Advisory Committee Quarterly Meeting

Legislative/Governmental Affairs Update

Dana Robert Colarulli

Director, Office of Governmental Affairs

November 3, 2016

UNITED STATES
PATENT AND TRADEMARK OFFICE



Hearings where USPTO Testified in the 114th Congress

First Session

USPTO Director Confirmation Hearing

- Senate Judiciary Committee, **2nd** Confirmation Hearing – 1/21/2015
- Statement by USPTO Director Michelle K. Lee
- A first hearing was held in the 113th Congress under the Democratic Chairman, Sen. Leahy (D-VT)

Legislative Hearing on H.R. 9, the “Innovation Act”

- House Judiciary Committee – 4/14/15
- Testimony by USPTO Director Michelle K. Lee
- A second panel includes witnesses from Yahoo!, Eli Lilly & Co, Salesforce.com and BIO

Hearings where USPTO Testified in the 114th Congress

Second Session

“International Antitrust Enforcement – China and Beyond”

- House Judiciary, Subcommittee on Regulatory Reform, Commercial and Antitrust Law – 6/7/16
- Testimony by USPTO, FTC, U.S. Chamber, and an academic
- USPTO testimony by China team Senior Counsel [Mark Cohen](#)

“Counterfeits and Their Impact on Consumer Health and Safety”

- Senate Judiciary Committee – 4/27/16
- Testimony by DHS/ICE, USPTO and private sector witnesses
- USPTO testimony by former Trademark examiner and former IP Attaché, [Conrad Wong](#)
- Impact of counterfeit goods and enforcement/educational efforts

“Resolving Issues with Confiscated Property in Cuba, Havana Club Rum and Other Property”

- House Judiciary, Subcommittee on Courts, Intellectual Property and the Internet – 2/11/16
- *Panel 1:* Testimony by [Commissioner Denison](#) and Department of State; *Panel 2:* private sector witnesses
- Discussed USPTO’s role with respect to the renewal of the Havana Club trademark registration
- Appropriations Activity – we are monitoring provisions in bills that attempt to address this issue



Hearings where USPTO Testified

Second Session

“Oversight of the U.S. Patent and Trademark Office”

- House Judiciary, Subcommittee on Courts, Intellectual Property and the Internet – 9/13/16
- Testimony by USPTO U/S and Director Michelle K. Lee
- General Agency Oversight; last such hearing in July 2014

Darrel Issa (R-CA-49), Chairman

Jerry Nadler (D-NY-10), Ranking Member

Topics Covered Included:

- USPTO Workforce Management & Telework Efforts / DOC IG Reports on Time and Attendance
- Enhanced Patent Quality Initiative (EPQI) / Recent GAO Reports
- AIA Implementation (importance of PTAB; financial stability for USPTO and global harmonization)
- Patent cases before the Supreme Court
- Patent Litigation Reform/Venue Legislation
- Impact of patents on Drug Pricing



uspto

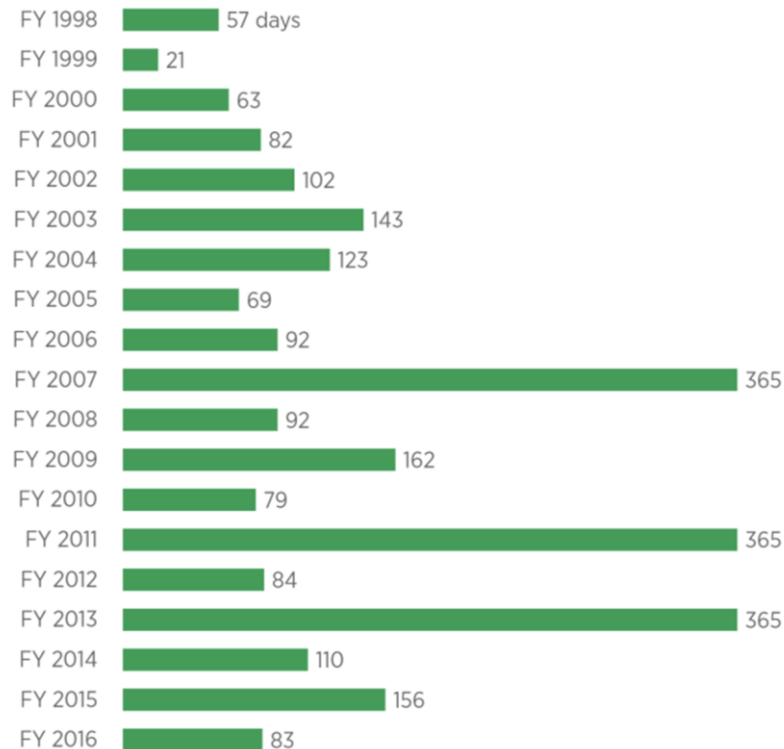
Lame Duck Session

Such Sessions Becoming Routine to complete unfinished work; key items:

- **Appropriations**
 - CR through December 9
 - Omnibus or Minibus or Year-long CR
 - Possible Report Language and "Riders" that impact USPTO
- **Trans Pacific Partnership (TPP)** - Administration supports, but opposition from House/Senate leadership and both presidential candidates.
- **Supreme Court Nomination**

How Many Days Did CRs Cover?

Congress' use of stopgap spending measures has ranged from 21 days to full-year continuing resolutions.



Source: Congressional Research Service
Jennifer Shutt/CQ Roll Call

CQ

Budget Issues: *Recent History of Continuing Resolutions*

1994 -- the last time all appropriations bills were passed individually prior to the start of the fiscal year

1996 -- the last time the spending laws were passed on time (accomplished with an omnibus package of six spending bills)

uspto

Looking forward to the 115th Congress (2017-2018)

Will leadership of congressional committee relevant to IP change?

114th Congress (2015-2016)

U.S. House of Representatives



Committee on the Judiciary

Bob Goodlatte (R-VA-6), Chairman

John Conyers (D-MI-13), Ranking Member

Subcommittee on Courts, Intellectual Property, and the Internet

Darrell Issa (R-CA-49), Chairman

Jerry Nadler (D-NY-10), Ranking Member

U.S. Senate



Committee on the Judiciary

Chuck Grassley (R-IA), Chairman

Patrick Leahy (D-VT), Ranking Member

Looking forward to the 115th Congress (2017-2018)

What IP-related issues might be addressed?

Non-IP related issues likely to dominate the beginning of the 115th

IP issues that may be addressed include:

- **Patent Litigation Reform**
 - Venue
 - Sec. 101 discussions
 - Changes to IPR Proceedings
- **Copyright Modernization and Other issues**
 - New Register of Copyrights
 - Office Structure – Funding and IT
 - Small Claims Court
- Response to SCOTUS Decisions on TM Disparagement
- USPTO Operational issues: TEAPP and Fee Setting Authority

USPTO's Office of Governmental Affairs: Overview

Structure: 10 Staff (mix of attorney's and non-attorneys)

Mission

**Represent USPTO
on Capitol Hill**

*(Advance PTO's Legislative
Agenda, prepare
testimony, brief staff,
provide technical advice)*

**Respond to
Requests from
Members of
Congress and
Facilitate Clearance**

*(constituent issues, clear
IP policy documents
within the Administration)*

**Build Relationships
and Maintain
Goodwill with
Elected Officials**

*(Support regional office
engagement &
stakeholder outreach)*

Questions and Comments

Dana Robert Colarulli

Director, Office of Governmental Affairs

(571) 272-7300

Dana.Colarulli@USPTO.GOV

